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# Cultural Heritage Policies in Costa Rica: Development and Current Conditions

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**Abstract:** This paper discusses the evolution of cultural heritage policies in Costa Rica and explores current challenges. It describes the policies' historical development and addresses the main laws and constitutional articles that address cultural heritage, as well as the Ministry of Culture and Youth of Costa Rica and its role in safeguarding Costa Rican cultural heritage. The following issues are revealed through this examination: a) Costa Rican cultural heritage policies have historically focused on preventing damage and have developed under an official intrinsic justification of culture; b) as one of the main goals of the Ministry of Culture and Youth since its inception has been the decentralization of culture, a sense of national identity has been lacking; c) following international trends, the concept of cultural heritage in Costa Rica has shifted from era-based to typology-based, although era-based legislation may be more appropriate in certain Costa Rican cultural heritage contexts; and d) era-based cultural heritage legislation divides cultural heritage into pre-Columbian and post-colonization eras.

**Keywords:** cultural heritage policies, Costa Rica, legislation, development

## 1. Introduction

The legal protection of cultural heritage can be conceived as an intricate network of various coexisting legislative instruments at the local, national, and international levels that have the same purpose within their various ranges of action. While international cultural heritage agreements are relatively young, evolving especially after World War Two, national cultural heritage policies can be traced back hundreds of years and face the challenge of integrating their vision with international guidelines while considering the perspective of local communities, an issue that continues to gain more importance. This diversity of aims causes clashes and inconsistencies within national cultural heritage policies, which struggle to merge what Lixinski (2015) terms “orthodox” and “heterodox” perspectives. Lixinski notes the constant challenge faced by the heterodox side against orthodox law, which is viewed as an oppressive instrument that does not adequately respond to the necessities and realities of heritage. I argue that national legislation is often considered the orthodox law, which is constantly challenged and redesigned by international institutions and local initiatives.

However, national cultural heritage policies are the product of extensive trial and error through their long historical development and should not be disregarded as they may provide clues regarding the particular preservation of each country's unique cultural heritage. Each legislative step taken in the past represents a change in the national consensus regarding how heritage is perceived, safeguarded, and used. Furthermore, national cultural heritage policies are necessarily framed within the national legislation, providing realistic guidelines on sanctions and the organization of heritage matters. Thus, to appropriately understand and implement legislative

instruments of cultural heritage, it is important for decision makers and scholars to have knowledge of their evolution at the national level as this level should function as a bridge between regional and international perspectives.

My research covers the development and current conditions of cultural heritage policies in Central America. In the present paper, I intend to illustrate the specific case of Costa Rican cultural heritage policies. As a role model for developing countries (Rodríguez-Clare 2001; Trejos 2013) and as one of the first Latin American countries to create a long-term ministry for handling culture, Costa Rica's case is of special interest for heritage policy researchers.

This paper is an annotated compilation of the historical facts and materials relevant to the development of cultural heritage policies in Costa Rica. Furthermore, it is a reflection of how an official concept of heritage was developed in Costa Rica and it provides valuable information on the topic.

## 2. Materials and Methods

As information related to this topic is vast and multi-sectorial, it is necessary to provide research delimitations for realistic data collection and analysis. I decided to focus on legislative instruments as they are officially issued by the government and are designed to be effective in the long term, outliving government office terms and individual decision makers.

Legislative instruments can be roughly categorized into the *Constitution*, which is the supreme law of the land, and *laws, decrees, and the like*, which are normally approved by the legislative assembly and the executive power.

The *Constitution* consulted is available in the Costa Rican System of Jurisdictional Information (Sistema Costarricense de Información Jurídica, or SCIJ, [http://www.pgrweb.go.cr/scij/busqueda/normativa/normas/nrm\\_texto\\_completo.aspx?param1=NRTC&nValor1=1&nValor2=871&strTipM=TC](http://www.pgrweb.go.cr/scij/busqueda/normativa/normas/nrm_texto_completo.aspx?param1=NRTC&nValor1=1&nValor2=871&strTipM=TC)).

For the *laws*, all 58 documents relevant to Costa Rica in the UNESCO Database of National Cultural Heritage Laws (<http://www.unesco.org/culture/natlaws/>), dating from 1881 to 2007, were consulted. More modern *legislation* on the topic is available at the SCIJ website (<http://www.pgrweb.go.cr/scij/>) and can be accessed by searching among the available laws for the term “cultural heritage” (in Spanish, “patrimonio cultural”).

The legislative instruments were read and analyzed and their main themes and concepts were extracted and compiled here. This is a qualitative overview, and it is supported by previous academic research that provides context and verification. Aiming to provide a realistic depiction of the current legal conditions of cultural heritage, I decided to include information on the responsible state organizations within the Ministry of Culture and Youth of Costa Rica by using information available on the Ministry's official website (<http://www.mcj.go.cr>). Considering this legislative and executive information, I then discuss key observations that were made with regard to this specific case.

## 3. Costa Rica and its Development

Costa Rica has experienced considerably less turmoil than its Central American neighbors, thus resulting in the country's relatively high human development levels. In spite of its economic growth, Costa Rica has been challenged with a poverty rate that has been maintained at approximately 20% for the past few decades. Furthermore, according to the World Bank country overview of Costa Rica: “Despite the solid growth over the past decades, two pressing development challenges stand out: the deteriorating fiscal situation and stubborn inequality. These affect the basic pillars of development: inclusion, growth, and sustainability” (World Bank 2016).

Various strategies have been implemented to address these development issues. Tourism has been a major source of revenue, surpassing the income generated by traditional export products (coffee,

bananas, meat, and sugar) in 1993. In 1999, tourism generated more revenues than the traditional export products combined (Benavides Vindas 2005). Nature-based tourism has especially been fostered during the past decade and has contributed to nature conservation (Hearne 2002).

However, modern development initiatives aimed at enhancing or protecting cultural heritage have been relatively scarce. The Central American tendency to use cultural heritage either for tourism or to highlight national identity has been weaker in Costa Rica than in the surrounding countries. As it has no “great” pre-Columbian sites such as the ones found in Guatemala or Honduras and no preserved colonial cities comparable to Granada in Nicaragua, Casco Antiguo in Panama, or Antigua in Guatemala, cultural tourism has not been as strongly promoted as nature tourism. Although cultural heritage was used for identity building during the coffee oligarchy as discussed below, cultural heritage “instrumentalization” has decreased over the past fifty years. Unlike many neighboring countries, Costa Rica did not experience a long history of dictatorships or civil wars and has therefore not resorted to cultural heritage to help foster a national identity. Thus spared from the influence of tourism and politics, cultural heritage has not been traditionally regarded as a mechanism that can aid the country’s development. Emphasizing ecological resources has enabled Costa Ricans to “give not much value to their architectural structures” (Castillo Vargas 2015).

Reversing this trend, consciousness of culture as a development tool began to emerge in 2014 when the government decided to include a Culture and Economy Section within the Ministry of Culture and Youth to aid growth through culture. However, this section is still relatively new, and its projects are limited to gathering information and conducting studies on the effects of culture on the economy rather than formulating concrete strategies.

Nonetheless, as cultural heritage is an important expression of the history and traditions of the people, a realistic strategy for its use could provide development opportunities through social cohesion, creativity fostering, communication, and other means. Tourism is also a development option that can be further explored in relation to cultural heritage. However, whether it is a positive factor for economic development, as some scholars claim (Fayissa, Nsiah and Tadesse 2011; Richardson 2010; Croes and Vanegas 2003), or whether local institutions “tend to shape local potentials towards the needs of tourism and risk weakening the links to their cultural sources and the original background to their social existence” (Bendixen 1997), is outside the scope of this paper. In any case, a strategy for promoting cultural heritage in Costa Rica could have beneficial consequences that would transcend cultural asset preservation. In the next section, I provide a historical overview of the development of cultural heritage policies in Costa Rica.

#### 4. Cultural Heritage Policies in Costa Rica: A Historical Overview

##### *Republican Era prior to the 1949 Constitution: Europeanization Tendencies and Huaquerismo*

After independence from Spain, Costa Rica joined the Mexican empire along with the rest of Central America. When the empire dissolved, Costa Rica joined the United Provinces of Central America, in which it remained for most of its duration, from 1823 to 1840 (Molina and Palmer 2007). It was only after the 1856–1857 national campaign against William Walker that a stable government could be established in Costa Rica and it could start focusing on its cultural heritage. Between the last half of the 19<sup>th</sup> century and the mid-20<sup>th</sup> century, Costa Rica grew economically through the export of coffee (Pérez Brignoli 1997). A small group known as the coffee oligarchy controlled most plantations and collected most of the revenues. As seen in several Central American countries, this emerging class followed Europe’s model, interested in progress and liberal ideals. Costa Rica’s National Theatre was built using European marble and decorated with statues and paintings made by European artists (Ferrero 1985). The so-called “metallic school” from Belgium (Cerdas Albertazzi and Quirós Bonilla 1990) and the National Monument from France were further examples. These efforts served the double purpose of legitimizing the

state while constructing an identity, which has since been disparaged as “fake” or “constructed” by scholars (Corrales Ulloa and Cubero Barrantes 2005).

The National Museum, established in 1887, was part of this general tendency. It initially housed only a scientific collection that was eventually expanded to include anthropological and archeological objects. The foundation of this museum is regarded as one of the first efforts to regulate cultural assets because it produced a catalogue, registered archeological sites, and took charge of conserving its collections (Ministry of Culture and Youth 2011). The legal establishment of the National Museum was one of the country’s first cultural heritage-related policies.

As Europeanization was ongoing, “huaquerismo,” or informal excavations, were also not unusual at the time. The renowned collector José Ramón Rojas Troyo, for example, gathered important objects and sold them to the United States and Europe. No legislation existed to protect against this practice, so it was not a strictly illegal activity. The remnants of Rojas’ excavated materials, which exceed 3000 objects, were later integrated into the collections of the National Museum (Ministry of Culture and Youth 2011) along with thousands of other artifacts from informal excavations. However, most objects had already been sent to museums abroad, and no law prohibited the sale of such artifacts outside the national borders prior to Law 14 of 1923, although the necessity of establishing protective measures was recognized.

Cultural heritage policies developed slowly in this period. In 1938, Law 7 was issued to modify Law 14 of 1923. Law 7 went beyond prohibiting illegal excavations by also regulating the ownership, exploitation, and sale of archeological relics from before the Spanish conquest.

Cuevas Molina (1996) notes the disparity among the first efforts to promote Costa Rican culture in the 1940s. Effort and resources were channeled through the Cultural Extension Section of the Education Department, which incorporated the National Theatre, the National Museum, and other institutions and programs under it. These mostly aimed to promote “the arts,” namely, theater, visual art, and other contemporary expressions of the time. In contrast, little attention was paid to Costa Rican historic monuments. However, in the 1949 Constitution, an important legislative step toward the protection of cultural heritage was taken as it referred to the country’s historic and artistic heritage.

#### *After the 1949 Constitution: The Formalization of Culture through the Ministry of Culture, Youth, and Sports*

Although some early attempts were made for cultural heritage protection in the Constitution and by certain artistic and literary movements in the 1950s and 1960s, it was in the 1970s that significant changes occurred in the cultural sector affecting heritage. These changes were influenced by ideological disputes, as Cuevas Molina has observed (2011). In 1971, the Ministry of Culture, Youth, and Sports<sup>1</sup> became the first organized and centralized institution in charge of culture and cultural heritage in Costa Rica and the first institution of culture independent of a Ministry of Education in Latin America (Harvey, 2014).

José Figueres Ferrer, the president at the time, popularized the motto “Why tractors without violins?”<sup>2</sup> (“¿para qué tractores sin violines?”), which indicated that society was to focus not only on material development but also on cultural development. The Ministry had three main objectives: investigation and communication, decentralization, and the encouragement of artists

<sup>1</sup> Law 7800 of April 3, 1998 created the Institute of Sports and Recreation; thus, according to verdict C-023 of January 31, 2007, the “Sports” section was tacitly abolished.

<sup>2</sup> The saying was coined at an event during which the president presented musical instruments to members of the National Symphonic Orchestra a few days after he had provided a large sum of money for the purchase of tractors. At the time, he proclaimed that “Were it not for tractors, we could not afford violins. Violins and tractors are very necessary” (translation by the author, Cuevas Molina 2011, 249).

(Cuevas Molina 1996). It comprised a Historic, Artistic, and Cultural Heritage Department, a Folklore Department, and the National Museum, along with other institutions that addressed cultural heritage. The Historic, Artistic, and Cultural Heritage Department was established through the creation of a law on heritage (Rovinski 1977) and was involved in small and scattered restoration and registry projects. In 1973, Law 5397 gave the Ministry of Culture, Youth, and Sports some authority over cultural heritage designation, purchase from private owners, and the prohibition of heritage demolition. Furthermore, the concept of heritage was expanded to include public-property structures; thus, pre-Columbian monuments were no longer the only buildings being protected.

Decentralization was addressed by granting municipalities the capacity to dictate regulatory plans for their territories, allowing them to establish “special zones” of historic importance (Álvarez Hernández 2011).

The Archeological, Historic, and Cultural Research and Conservation Center was added to the Ministry in 1979, further strengthening public consciousness of cultural heritage through research. This Center conducts research not only on immovable heritage such as sites and buildings but also on intangible heritage (Ministry of Culture 2011). One of its main projects, for example, targeted research, diffusion, and promotion of the cultural manifestations of Limón.<sup>3</sup>

#### *1976: Popularization and Opening up to the International Community*

International heritage-related conventions, notably the World Heritage Convention and the Organization of American States’ Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations, were ratified in the late 1970s. Cuevas Molina (2011) identifies the influence of UNESCO along with that of grassroots movements in Central America and the necessity of integrating new social sectors as some of the factors that led to a reorientation of the Ministry, shifting the meaning of culture from “the arts” to a complete lifestyle. Thus, the 1980s saw the focus on cultural decentralization and cultural identity issues being restored, while some cultural responsibilities were delegated to the private sphere (Cuevas Molina 1996; Cuevas Molina 2011). Culture committees were created and the Houses of Culture project that had commenced in 1974 (Ministry of Culture 2011) was expanded. In 1981, Law 6703 allowed for particular custody and regulated export of archeological objects.

#### *1995: Towards Immovable and Intangible Heritage*

1995 marked an important year for Costa Rican cultural heritage due to the passage of Law 7555, or the Law for the Historical Architectural Heritage of Costa Rica, which defined and classified historic-architectonic heritage and created a National Commission of Historic-Architectonic Heritage. Today, it is the main law that Costa Ricans follow for the protection of their heritage. However, as its title suggests, it does not address intangible or movable heritage. The regulations for Law 7555 were issued in 2005 and reformed in 2007.

In the 2000s, the Ministry of Culture and Youth began addressing intangible heritage in accordance with recent global advancements in this particular field. The Convention for the Safeguarding of Intangible Cultural Heritage was ratified in 2006, and the National Commission for Safeguarding Intangible Heritage was soon formed. Although it was replaced by the National

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<sup>3</sup> Limón is a Costa Rican province characterized by its large population of African descendants who have historically been excluded from the Costa Rican construct of national identity. Despite anti-discriminatory legislation, reports of discrimination (Simon 2010) and a perception of little state action on behalf of these peoples (Sandoval Carvajal, Solano Acuña, and Minott 2010) are still observed. Recognizing the cultures of the peoples of the Limón province has required an engagement in their intangible expressions, which are an important part of African-descendant cultures.

**TABLE 1: CULTURAL HERITAGE-RELATED LEGISLATION AND EVENTS IN COSTA RICA THROUGH TIME**

1821	Independence of Costa Rica			
1838	After separating from the United Provinces of Central America, Costa Rica becomes fully independent			
1887	The National Museum is established			
1923	Illegal excavations (huaquerismo) are prohibited			
1938	<b>Law 7.</b> Archeological relic property, exploitation, and commerce sale are regulated <u>For archeological objects and monuments previous to the Spanish conquest</u>			
1948	Civil War, followed by a new constitution			
1949	The <b>constitutional</b> clause on the “cultural objectives” of the Republic includes protecting natural beauty and the conservation and development of Costa Rica’s historic and artistic heritage			
1971	The Ministry of Culture, Youth, and Sports is established			
1972	The National Commission on Historic Commemorations is established			
1973	<b>Law 5397.</b> Protective measures are established for buildings (remodeling, destruction, or modification) <u>About public property edification</u>			
1977	The <i>World Heritage Convention</i> is ratified			
1979	The Archaeological, Historic, and Cultural Research and Conservation Center is created			
1979	The <i>OAS Convention on the Protection of the Archaeological, Historical, and Artistic Heritage of the American Nations</i> is ratified			
1981	<b>Law 6703.</b> Archeological heritage protected through the creation of the National Archaeology Commission. Considerations on ownership, excavation procedures, and sanctions <u>For immovable and movable goods that are products of the indigenous cultures previous and contemporary to the Spanish conquest and related materials</u>			
1995	The <i>Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property</i> is ratified			
1995	<b>Law 7555</b> for the Historical Architectural Heritage of Costa Rica <u>For private and publicly-owned immovable heritage of cultural or historical significance</u>			
1998	The <i>Convention for the Protection of Cultural Property in the Event of Armed Conflict</i> is ratified			
2005	Regulations for the Law for the Historic Architectonic Heritage of Costa Rica -Value criteria -Institution procedures -Heritage declaration procedures -Intervention permits			
2005	The Boyero and Oxcart Tradition is declared by the UNESCO as a Masterpiece of Oral and Intangible Heritage of Humanity			
2006	The <i>Convention for the Safeguarding of Intangible Cultural Heritage</i> is ratified			
2006	The National Commission for Safeguarding Intangible Heritage is created			
2007	Reforms to the regulations of the Law for the Historic Architectonic Heritage of Costa Rica are made			
2014	The Pre-Columbian Chiefdom Settlements with Stone Spheres of the Diquís are inscribed in the World Heritage List			
2014	The National Commission of Intangible Heritage is created			
2014	The Culture and Economy Section is created within the Ministry of Culture and Youth			
<b>Legend:</b>	Historic event	International Convention	Administrative action	National law

Commission of Intangible Heritage in 2014, it has kept its duties of researching and registering intangible cultural heritage in Costa Rica. Recent executive decrees have focused on designating festivals, dances, and musical styles as the country’s intangible cultural heritage.

Table 1 provides an overview of the main cultural heritage laws in Costa Rica.

### 5. Constitutional Considerations for Costa Rican Cultural Heritage

The currently valid Constitution was approved in 1949 and has been modified more than fifteen times since then. The precedent for what Harvey (2014) calls Latin American “cultural constitutionalism,” that is, the practice of addressing culture in national constitutions, was set by the Weimar Constitution of 1919 and the 1931 Constitution of Spain. In accordance with this trend, the Costa Rican Constitution dedicates Chapter VII to education and culture; however, out of the Chapter’s 14 articles, only one addresses culture directly and refers to cultural heritage.

Article 89 of the 1949 Constitution of Costa Rica reads

“Amongst the cultural aims of the Republic are: to protect its natural beauty, preserve and develop the historic and artistic heritage of the Nation, and support private initiatives for scientific and artistic progress” (translation by the author).

In the article, heritage is generally referred to as “historic and artistic heritage,” thus allowing the inclusion of historically disregarded types of expressions such as intangible or underwater cultural heritage. However, it can be argued that certain expressions fall outside the scope of Article 89. For example, the contemporary popular dance style known as “swing criollo” is not historic or artistic but has become a part of Costa Rican national heritage and has received special attention in the past decade, possibly due to “folklorization” efforts (Griffith 2014). Nonetheless, the phrase “amongst the cultural aims” implies that the Republic’s cultural aims extend beyond those strictly listed here, perhaps even including the protection of newer forms of cultural heritage.

### 6. Current Legislation for Costa Rican Cultural Heritage

In this section, I discuss the concept of heritage and the regulatory measures in Costa Rica’s main laws that address cultural heritage.

#### Law 7 of 1938

This law aims to protect all pre-Columbian archeological objects and monuments and claims State ownership of them.

It appoints the National Museum as the responsible institution for recognizing archeological heritage, allowing its export, the overlooking of ownership transfer, the acquiring of assets to be sold, and the conduction of two registries and an inventory. It is characteristically archeological and provides measures for expeditions, discoveries, and excavations. It also provides certain sanctions for infringers.

Within this nature, the law defines archeological objects and monuments as “results of human activity of artistic, scientific, and historic value.”

#### Law 5397 of 1973 (annulled by Law 7555 of 1995)

This law is directed toward publicly owned buildings, requiring permission from the Ministry of Culture, Youth, and Sports for any demolition, remodeling, or modification. It prohibits the demolition of any public building that has been designated by the executive power as being of historic, architectonic, or cultural value. Provisions for privately owned buildings are different: prior to a building’s demolition, the Ministry must have an opportunity to buy the building, including a period lasting up to two years during which the Ministry is obligated to contribute toward its maintenance. If the Ministry does not acquire the building, its owner may demolish it. These provisions are for buildings from the colonial period through the contemporary period.



#### Law 6703 of 1981

This law also aims to protect pre-Columbian assets designated as “archeological national heritage, movable and immovable, product of the indigenous cultures previous or contemporary to the establishment of Hispanic culture in the national territory, as well as human remains, flora and fauna related to these cultures.” Thus, the scope of protected archeological goods is expanded in this law.

It is similar in form to its predecessor, claiming state ownership, calling for owners to register their goods in possession, and appointing the National Museum with most regulatory functions, such as authorizing export, overlooking custody, evaluating discovered monuments, and authorizing excavations and explorations. It also provides detailed sanctions for infringers.

#### Law 7555 of 1995, or Law for the Historical Architectural Heritage of Costa Rica and its regulations

This law covers historic-architectonic heritage, namely immovable heritage, and mimics the World Heritage Convention in its definitions, classifications of heritage, value criteria, and designation procedures. It also introduces incentives and detailed sanctions. The regulations include information on the value criteria, procedures, intervention permits, and relevant organizations.

The main national legislative instruments target either pre-Columbian or immovable heritage. This clear-cut division allows little space for the inclusion of other types of assets. Thus, intangible and movable heritage are addressed only in internationally ratified conventions.

International instruments have relieved the national government from drafting an independent legislation by providing a model to follow and conventions to ratify. However, as the conventions are not country-specific, they may not be ideally suited to the characteristics of a particular country’s cultural heritage.

Although separating pre-Columbian heritage from more recent heritage may seem arbitrary or old-fashioned, it may actually be appropriate for the reality of Costa Rican cultural heritage. One of the most famous pre-Hispanic expressions, and the object of the only World Heritage Cultural Site of Costa Rica are the stone spheres. Before more rigorous archeological methodologies were implemented, many of these spheres were removed from their original site and transferred to the National Museum and other places (Fig. 1). They are neither movable nor immovable heritage: although they can be removed, doing so de-contextualizes them from their environment. Distinguishing between “movable” and “immovable” heritage is particularly difficult for these spheres as they range in size from a few centimeters to over two meters. Thus “pre-Columbian” may be a more adequate category than either “movable” or “immovable.”



Figure 1. Stone Spheres in the National Museum storage center (photo by the author)

## 7. The Ministry of Culture and Youth of Costa Rica and its Role in Safeguarding Costa Rican Heritage

Although there was already a primitive institutionalization of culture in Costa Rica in the 1940s through the National Music Conservatory, the National Symphonic Orchestra, the Geography and History Society, and the Arts Academy (Cuevas Molina 1996), expanded in the 1950s with the addition of the national press in 1959, it was until the 1960s that they were placed under one organization.

In 1963, the General Section of Arts and Letters within the Ministry of Education was created to take charge of stimulating and expanding artistic and literary work in the country (Harvey 2014). Although the National Museum was placed under its authority, the concept of heritage had not yet been developed, and the organization's main function was scientific-educational.

In 1971, the Ministry of Culture, Youth, and Sports was created, and the National Theatre and National Museum, amongst other organizations, were placed under it. Law 6091 of 1977 created the Costa Rican Art Museum, suppressed the General Section of Arts and Letters, and established coordination of national museums as the role of the Heritage Department. It also created the Cultural Heritage Research and Conservation Center and the National Architectonic-Historic Heritage Commission. The National Architectonic-Historic Heritage Commission is in charge of advising the Ministry on issues related to historic-architectonic heritage. The Cultural Heritage Research and Conservation Center designates and manages immovable heritage and has been engaged in several programs that create incentives for safeguarding heritage, such as granting funding for restoration projects of privately owned historic buildings and the elaboration of an online database of historic Costa Rican monuments.

Figure 2 shows the organizational chart of the Ministry of Culture and Youth, according to the official website (Ministry of Culture and Youth 2014).

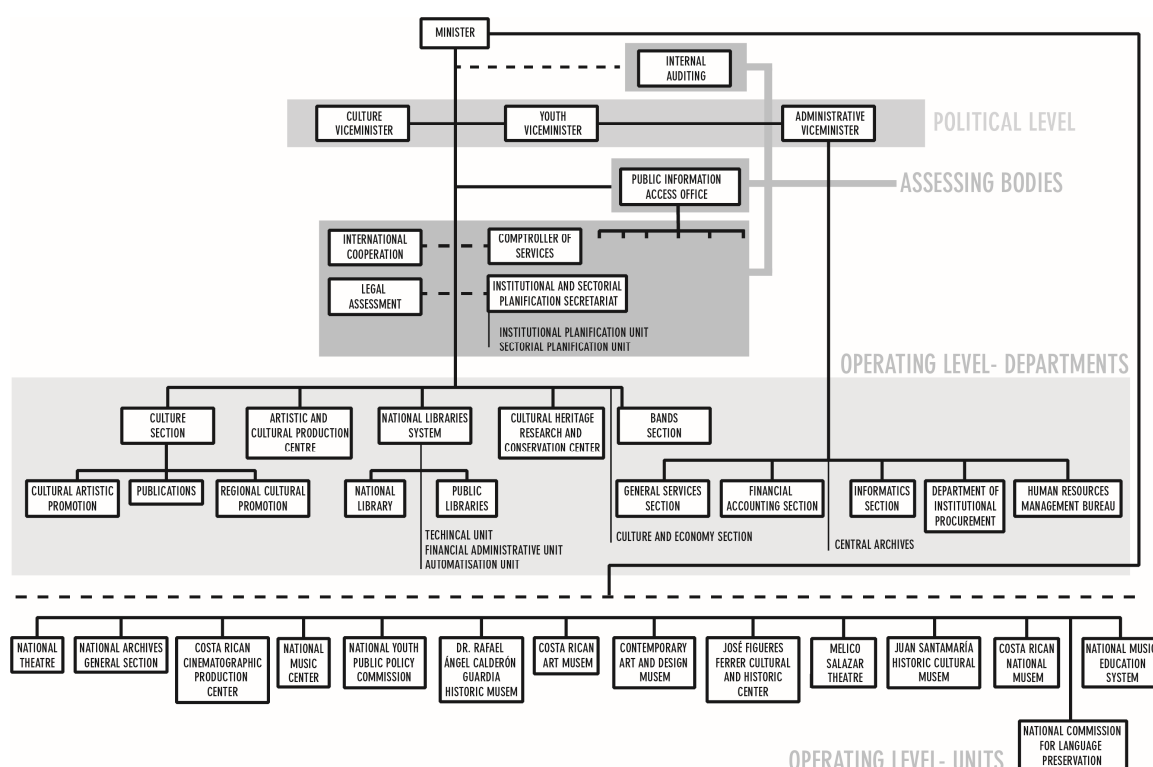


Figure 2. Ministry of Culture and Youth, data from the official website (Ministry of Culture and Youth 2014; translated by the author)

The Ministry has three vice-ministers who are at the same political level. The Administrative

Vice-Minister was integrated into the Ministry in 2009 (Executive Decree 37389-C) and is in charge of managing the Ministry's resources. The Youth Vice-Minister is in charge of directing policies for the young while the Culture Vice-Minister is in charge of cultural matters. As can be seen from Figure 2, most departments and units at the operating level are related to culture; thus, the cultural Vice-Ministry is the most involved with various institutions.

Specific museums are expressly given a place in the organizational chart, but immovable heritage sites are not. Thus, sites are owned by various institutions. Guayabo National Monument, Costa Rica's largest archeological site, administratively belongs to the National System of Conservation Areas. Heredia's "fortín," a small fort built in 1876, belongs to the Municipality of Heredia and serves as a symbol for the province. Meanwhile, churches such as "La Merced" belong to the Catholic Church. The World Heritage Site "Pre-Columbian Chiefdom Settlements with Stone Spheres of the Diquís" is owned by the National Museum.

As its name implies, the Cultural Heritage Research and Conservation Center conducts evaluations, research, and conservation projects for both publicly and privately owned heritage sites. Ownership of heritage sites is fragmented between private individuals and organizations, municipalities, and other conservation areas. Although administratively decentralized, restoration and research projects are performed directly by the Ministry. To foster development and economic sustainability, state-wide cooperation projects and development strategies are essential.

On April 29, 2014, through Executive Decree 38427, the Culture and Economy Section was created. Its main goals are to

"generate the conditions to create and potentiate the cultural industrial and creative enterprises through coordination and effort at an institutional level, with the private sector and civil society, oriented towards growth and local and national sustainable development" (translation by the author).

The Section has mainly focused on quantifying the effects of culture in the economy through the National Culture Survey program, the Culture Satellite Account, and a Cultural Atlas. Although the Section is already working in different cultural areas, reports on its effect on cultural heritage have not yet been published and future strategies have not yet been drafted.

## 8. Discussion

From this overview of the historical path and current status of the system created for the protection of cultural heritage in Costa Rica, the following observations were made:

- Cultural heritage policies in Costa Rica have historically focused on preventing damage and have developed under an official intrinsic justification of culture.

During and after the revolutions and dictatorships that have occurred in other Central American countries, culture had been widely used as an instrument to implement political, especially left-wing, agendas. For example, after the triumph of the Sandinista revolution in Nicaragua, most declared heritage sites were glorifying the Sandinista battles. In Panama, the Torrijos dictatorship used culture to create an identity opposed to the US. This has been an important characteristic of general cultural policies in Central America; however, the case of Costa Rica is different.

The lack of civil turmoil has fostered a relatively neutral cultivation of cultural heritage in terms of politics, which may be the general tendency worldwide but is certainly not the tendency in the Central American region.

- Identity issues persist

With no "monumental" examples of cultural heritage and the decentralization of culture as one of the main goals of the former Ministry of Culture, Youth, and Sports since its inception,

decentralization has been characteristic of Costa Rican cultural heritage management. This was strengthened by the fact that cultural heritage was not used for political means as discussed above. Although decentralization has fortified local identities, a lack of overall *national* symbolism deepens the so-called “identity-crisis” that Costa Ricans experience as they do not identify with their country. Cultural heritage protection in Costa Rica may benefit from an organizational section that elaborates strategies at the national level rather than only engaging in research and conservation efforts.

-Following international trends, the concept of cultural heritage in Costa Rica shifted from era-based to typology-based, although era-based legislation may be more appropriate for some forms of Costa Rican cultural heritage

While the initial laws protected cultural heritage as either pre-Colombian or Colonial, more contemporary laws refer to immovable and intangible heritage, thus including a wider array of expressions ranging from pre-Columbian to contemporary. This is due to the influence of international efforts that aim to create heritage legislation that provides some degree of standardization. Era-based protection legislation may be more adequate for pre-Columbian artifacts that are not strictly movable or immovable. Furthermore, during this paradigm shift in understanding cultural heritage, the concept of movable heritage fell out of favor; today, there are no instruments that specifically safeguard Colonial, Republican, or contemporary movable heritage.

Similar paradigm shifts can be seen in other Central American countries. For example, in Honduras, protective legislation targeted the famous Copán site as well as pre-Columbian sites. However, the influence of international instruments led to a holistic approach to heritage in the 1997 Law for the Protection of the Cultural Heritage of the Nation. Nonetheless, cultural heritage continues to be mainly administrated by the National Institute of Anthropology and History, leading to legislation that does not necessarily suit the organization of cultural heritage.

-Era-based cultural heritage legislation divides expressions into pre-Columbian and postcolonial cultural heritage

The drastic changes in the lives of the Costa Ricans during colonization justify this division as materials, methods, and themes were completely transformed. However, if heritage is to be categorized by era, the beginning of the Republic would mark another important transition as cultural expressions were radically transformed owing the availability of new, modern materials and methods that developed through the Industrial Revolution. Themes were also transformed as there was a desire to follow liberal ideals and seek a Costa Rican identity.

Consistency is needed to guarantee that no cultural heritage category that needs protection is excluded.

The Costa Rican government has begun considering the usefulness of culture for development, but information on the impact of cultural heritage has not yet been disclosed. It is expected that once there is knowledge of the current contribution of cultural heritage in the Costa Rican society, national-level strategies can be developed. Neighboring Central American countries that have already implemented programs may provide clues regarding the potential challenges and benefits. Guatemala, for example, issued its “National Cultural and Sports Policies” in 2000, which aimed at supporting culture for development. In 2015, an updated version of these policies was issued, including new conditions and requirements such as the recognition and application of cultural rights and the need to support artists and improve the safeguarding of cultural heritage. Proposed strategies included strengthening the registry, supporting local participation, and establishing institutional cooperation to promote and advertise cultural tourism.

Creating national-level legislation for movable and intangible heritage, addressing cultural heritage for national identity, and drafting legislation that is true to the Costa Rican reality and not to international standards will be some of the challenges that Costa Rica must face.

This paper has only covered the legislative instruments, along with certain executive ones, and further research will be necessary on current programs and private initiatives as well as the perspectives of local stakeholders to generate a more realistic picture of the potential usefulness of cultural heritage for development in Costa Rica.

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